



DEPARTMENT OF THE NAVY  
COMMANDER  
NAVAL METEOROLOGY AND OCEANOGRAPHY COMMAND  
1100 BALCH BOULEVARD  
STENNIS SPACE CENTER MS 39529-5005

5720  
Ser N00/244  
25 Aug 15

IT1 Michael W. Bryant, USN  
PSC 473 Box 68  
FPO, AP 96349-0001

RE: FREEDOM OF INFORMATION ACT REQUEST – DISPOSITION OF NAVY  
HOTLINE CASE 201403550 (Add'l Notes)

Dear Petty Officer Bryant:

This is in response to your August 11, 2015 Freedom of Information Act (FOIA) request for “a copy of all reports of investigations in which I was a complainant or a named subject.” The enclosed CD provides all documents deemed responsive to your request, including investigative actions by the Commander, Naval Meteorology and Oceanography Inspector General associated with Inspector General Hotline case 201403550 and the regular Navy chain of command.

After reviewing all the aforementioned documents, we have determined that some portions are releasable while other portions of the documents are exempt from mandatory disclosure pursuant to FOIA subsection (b) (6), which protects from disclosure information which would cause a clearly unwarranted invasion of privacy of an individual.

Federal employees who are not involved in law enforcement or sensitive occupations generally have no expectation of privacy regarding their names, titles, grades, salaries, and duty stations as employees. See Office of Personnel Management Regulation, 5 C.F.R. § 293.311 (specifying that certain information containing federal employee personnel files is generally available to the public); see also Nat'l W. Life Ins. v. United States, 512 F. Supp. 454, 461 (N.D. Tex 1980) (discerning no expectation of privacy in names and duty stations of Postal Service employees). However, the identities of employees who provide information to investigators are generally protected. See, e.g., McCann v. HHS, No. 10-1758, 2011 WL 6251090, at \*3 (D.D.C. December 15, 2011) (finding that assertion of Exemption 6 to protect identities of “individuals who provided information to an investigator who was conducting an investigation into Plaintiff's HIPAA complaint” was appropriate, and disclosure “could reasonably be expected to cause potential harassment or misuse of the [witness'] information”); Am. Small Bus. League, 2011 U.S. Dist. LEXIS 114752, at \*10 (holding that the agency properly withheld contracting officer and employee names and contact information in Office of the Inspector General work papers).

Based upon the foregoing, it has been determined that, while the content of information or statements given to the Inspector General and the Navy chain of command in the course of their investigations by individuals other than yourself are not subject to protection pursuant to FOIA

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subsection (b) (6), the identity of the individuals providing the information or making statements is protected. Accordingly, the identity of these other individuals has been redacted in the enclosed documents. Additionally, as noted in Naval Inspector General letter 5041 Ser N624/0871 of August 5, 2015, which was previously provided to you (a copy of which is also included in the enclosed CD), Hotline case 201403028 remains in processing. This case is expected to be completed within 120 days.

Because some information has been withheld, you may consider this to be an adverse determination that may be appealed. If you have created an account in FOIA online, you may submit your appeal directly within the web-based system. To do this, log into your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you do not have a FOIA online account, you may send an appeal by regular mail to the Judge Advocate General (Code 14), 1322 Patterson Avenue, SE, Suite 3000, Washington Navy Yard, DC 20374-5066. Your appeal, if any, must be postmarked within 60 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope bear the notation "Freedom of Information Act Appeal."

Pursuant to FOIA regulations, you are considered an "Other" requester which means you are entitled to two hours of search time and 100 pages of duplication at no charge. There are no fees associated with this request.

If you have any questions regarding the foregoing, please contact Mr. Paul Tyler, FOIA Officer, at (228) 688-5867.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. C. GALLAUDET', with a horizontal line extending to the right.

T. C. GALLAUDET  
Rear Admiral, U.S. Navy

Enclosure 1. CD – FOIA request 18Aug15 (Unclass)

1. **Request Part 1:** A copy of all reports of investigations in which IT1 Bryant was a complainant. Case files provided to support this request:

| File name  | Description and Notes   |
|--|---|
| NOAC-Y ltr PI and Supt Docs Alleged Larceny_Redacted.pdf | NAVOCEANASWCEN Yokosuka Preliminary Inquiry (Alleged Larceny) of 27 Oct 14 and supporting documents   |
| CNMOC ltr Referral to NOOC Case 14-16_Redacted.pdf       | COMNAVMETOCCOM ltr 5041 Ser N00IG/585 of 17 Dec 14<br>Includes enclosures: <ul style="list-style-type: none"> <li>• COMNAVMETOCCOM IG memo 5041, NIGHTS Case 201403550, of 09 Dec 14</li> <li>• COMNAVMETOCCOM IG Analysis of Sexual Harassment Complaint of 02 Dec 14</li> </ul> |
| NOOC XO memo wo encls_Redacted.pdf                       | NAVOCEANOPSCOM XO memo of 03 Mar 15 (enclosures listed separately below)  |
| NOOC XO memo Encl 1 Sexual Harassment_Redacted.pdf       | NAVOCEANASWCEN Yokosuka Preliminary Inquiry (Sexual Harassment) of 20 Feb 15 and supporting documents   |
| NOOC XO memo Encl 2 NOAC PI encls_Redacted.pdf           | Enclosure (2) is the supporting documentation for the PI in enclosure (1).  |
| NOOC XO memo Encl 3 Cmd Inv Hazing_Redacted.pdf          | NAVOCEANASWCEN Yokosuka Preliminary Inquiry (Hazing) of 27 Feb 15 and supporting documents  |

| File name   | Description and Notes  |
|---|--|
| NOOC XO memo Encl 4-11_Redacted.pdf                   | NAVOCEANASWCEN Yokosuka Command Review <ul style="list-style-type: none"> <li>• Encl (4) Rec 3 - Fundraising Policy</li> <li>• Encl (5) Rec 4 - Transient Storage Policy</li> <li>• Encl (6) Rec 5 - PII Storage</li> <li>• Encl (7) Rec 6 - Vehicle Errand</li> <li>• Encl (8) Rec 7 - EKMS Policy</li> <li>• Encl (9) Rec 8 - Car Speakers</li> <li>• Encl (10) Rec 9 - Battery Install</li> <li>• Encl (11) Rec 10 - Fraternization Policy</li> </ul> |
| NOOC XO memo Encl 12 PI Training_Redacted.pdf         | NAVOCEANASWCEN Yokosuka Preliminary Inquiry (Falsified Training Records) of 27 Feb 15 and supporting documents   |
| NOOC XO memo Encl 13-14_Redacted.pdf                  | NAVOCEANASWCEN Yokosuka Command Review <ul style="list-style-type: none"> <li>• Encl (13) Rec 13 - N6 Organization</li> <li>• Encl (14) Rec 14 - Summer 2013 Mediation</li> </ul>  |
| NOOC XO memo Encl 15 PI T&A Abuse_Redacted.pdf        | NAVOCEANASWCEN Yokosuka Preliminary Inquiry (Time and Attendance Abuse) of 27 Feb 15 and supporting documents  |
| NOOC XO memo Encl 16 PI Travel Abuse_Redacted.pdf     | NAVOCEANASWCEN Yokosuka Preliminary Inquiry (Travel Abuse) of 27 Feb 15 and supporting documents   |
| NOOC XO memo Encl 17-19_Redacted.pdf                  | NAVOCEANASWCEN Yokosuka Command Review <ul style="list-style-type: none"> <li>• Encl (17) Rec 17 - Response to Statement Letter</li> <li>• Encl (18) Rec 18 - Legal Officer Conduct</li> <li>• Encl (19) Rec 19 - Departmental Transfer</li> </ul>   |
| NOOC CO ltr Response to CNMOC wo XO memo_Redacted.pdf | NAVOCEANOPSCOM ltr 5041 Ser 00/038 of 13 Mar 15 (enclosures listed separately above)   |

| File name                                       | Description and Notes                                   |
|---|---|
| CNMOC ltr Close Referral to NOOC Case 14-16.pdf | COMNAVMETOCCOM ltr 5041 Ser N00IG/081 of 24 Mar 15      |
| NAVINSGEN ltr 201403028 180 Day Letter.pdf      | NAVINSGEN ltr 5041/201403028 Ser N624/0871 of 05 Aug 15 |

2. **Request Part 2:** A copy of all reports of investigations in which **IT1 Bryant** was a named subject. Files provided to support this request:

| File name  | Description and Notes  |
|--|--|
| NOAC-Y PI and Supt Docs Hostile, Dereliction.pdf     | NAVOCEANASWCEN Yokosuka Preliminary Inquiry (Hostile working Environment and Dereliction of Duty) of 11 Jul 13 and supporting documents<br>Unredacted as they were provided to COMNAVMETOCCOM IG by IT1 Bryant |
| NOAC-Y Report Chit Docs Place of Duty, Provoking.pdf | NAVOCEANASWCEN Yokosuka Non-judicial Punishment (Failure to Go to Place of Duty, Provoking Words) of 05 Aug 13, Various forms<br>Unredacted as they were provided to COMNAVMETOCCOM IG by IT1 Bryant           |
| NOAC-Y form Report Chit Docs Failure to Obey.pdf     | NAVOCEANASWCEN Yokosuka Non-judicial Punishment (Failure to Obey Lawful Order) of 17 Jul 14, Various forms<br>Unredacted as they were provided to COMNAVMETOCCOM IG by IT1 Bryant                              |